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7 **Philip R. Rupprecht - 009288**  
8 **Attorneys for Debtor**

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11 **IN THE UNITED STATES BANKRUPTCY COURT**  
12 **FOR THE DISTRICT OF ARIZONA**

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Chapter 11 Proceedings

Case No. 2:17-bk-11742-SHG

Debtor.

**MOTION TO DISMISS CHAPTER 11  
PROCEEDING**

Address: 8020 E. Palm Ln.  
Mesa, AZ 85207

Taxpayer ID No(s): xx-xxx0458

Peoria Regional Medical Center, LLC (the "Debtor"), by and through counsel, hereby moves the Court for an Order dismissing this Chapter 11 case as follows:

1. On October 4, 2017, the Debtor in this Chapter 11 bankruptcy case filed a Voluntary Petition under Chapter 11 of the Bankruptcy Code.

2. The need to file for bankruptcy relief was originally precipitated by a Notice and Order to Abate Violation of Code issued by the City of Peoria regarding the Debtor's real property located at 26320 N. Lake Pleasant Parkway, Peoria, Maricopa County, Arizona 85345 (the "Property").

3. On September 11, 2020, the Debtor sold the Property and all of the Debtor's secured creditors were paid from the sale proceeds. Consistent with the order approving the sale, \$100,000 of the sales proceeds was set aside for the payment of administrative expenses. That amount was wired to Debtor's current counsel's IOLTA trust account to be held pending further order of this Court.

3D04586

1           4.       Debtor's former counsel, Aiken Schenk Ricciardi P.C. ("ASR"), filed four previous  
2 fee applications and the Court approved ASR's fees and costs in the total amount of \$186,598.99.

3           5.       ASR, Frazer Ryan and the Debtor reached an agreement whereby ASR has agreed to  
4 accept \$100,000 in full satisfaction of the Debtor's obligations owing pursuant to the previously  
5 approved fee applications filed by ASR. ASR will accept this amount in full satisfaction of the  
6 Debtor's obligations (the "Agreement"). Frazer Ryan has agreed that it will write off Debtor's  
7 obligations for fees and costs, which are minimal in any event. ASR and Frazer Ryan will not seek  
8 any additional payment from the Debtor or any other person.  
9

10          6.       On October 8, 2020, Aiken Schenk Ricciardi P.C. filed its final fee application  
11 seeking approval of the Agreement and final approval of ASR's fees and costs incurred in these  
12 proceedings.  
13

14          7.       The Debtor and its counsel have determined it is in the best interests of all parties to,  
15 after consideration of the disposition of the \$100,000, final approval of ASR's fees and payment of  
16 administrative expenses, dismiss this proceeding.

17          8.       11 U.S.C. Section 1112 states as follows:

18                   “(b) Except as provided in subsection (c) of this section, on request of a  
19 party in interest or the United States trustee or bankruptcy administrator,  
20 and after notice and a hearing, the court may convert a case under this  
21 chapter to a case under Chapter 7 of this title or may dismiss a case under  
22 this chapter, whichever is in the best interest of creditors and the estate,”

23          WHEREFORE, the Debtor respectfully requests that this Court grant this Motion and  
24 dismiss the Debtor's Chapter 11 proceeding after consideration of ASR's final fee application.

25          DATED this 9th day of October, 2020.

26                                   FRAZER RYAN GOLDBERG & ARNOLD, LLP

27                                   By /s/ Philip R. Rupprecht  
28                                   Philip R. Rupprecht  
                                      1850 N. Central Ave., Suite 1800  
                                      Phoenix, AZ 85004  
                                      Attorneys for Debtor

1 COPY of the foregoing mailed, or served  
via electronic notification\* or fax\*\* if so marked,  
2 this 9th day of October, 2020, to:

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